

House File 840 - Introduced

HOUSE FILE _____
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 480)

(COMPANION TO LSB 2149SV BY
COMMITTEE ON HUMAN RESOURCES)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to children who are subject to a court order for
2 a temporary or permanent out-of-home placement by providing
3 for visitation or ongoing interaction between the children and
4 siblings.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2149HV 82
7 jp/es/88

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1 1 Section 1. Section 232.2, subsection 4, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. 1. The provisions involving sibling
1 4 visitation or interaction required under section 232.108.
1 5 Sec. 2. Section 232.2, Code 2007, is amended by adding the
1 6 following new subsection:
1 7 NEW SUBSECTION. 51A. "Sibling" means an individual who is
1 8 related to another individual by blood, adoption, or affinity
1 9 through a common legal or biological parent.
1 10 Sec. 3. Section 232.58, Code 2007, is amended by adding
1 11 the following new subsection:
1 12 NEW SUBSECTION. 5A. With respect to a dispositional order
1 13 made pursuant to section 232.52, subsection 2, paragraph "d",
1 14 "e", or "f", for which the court has suspended or terminated
1 15 sibling visitation or interaction, when a review is made under
1 16 this section the court shall consider whether the visitation
1 17 or interaction can be safely resumed and may modify the
1 18 suspension or termination as appropriate.
1 19 Sec. 4. Section 232.104, Code 2007, is amended by adding
1 20 the following new subsection:
1 21 NEW SUBSECTION. 4A. With respect to a dispositional order
1 22 providing for transfer of custody of a child and siblings to
1 23 the department or other agency for placement for which the
1 24 court has suspended or terminated sibling visitation or
1 25 interaction, when a review is made under this section the
1 26 court shall consider whether the visitation or interaction can
1 27 be safely resumed and may modify the suspension or termination
1 28 as appropriate.
1 29 Sec. 5. NEW SECTION. 232.108 VISITATION OR ONGOING
1 30 INTERACTION WITH SIBLINGS.
1 31 1. If the court orders the transfer of custody of a child
1 32 and siblings to the department or other agency for placement
1 33 under this division, under division II, relating to juvenile
1 34 delinquency proceedings, or under any other provision of this
1 35 chapter, the department or other agency shall make a
2 1 reasonable effort to place the child and siblings together in
2 2 the same placement. The requirement of this subsection
2 3 remains applicable to custody transfer orders made at separate
2 4 times and applies in addition to efforts made by the
2 5 department or agency to place the child with a relative.
2 6 2. If the requirements of subsection 1 apply but the
2 7 siblings are not placed in the same placement together, the
2 8 department or other agency shall provide the siblings with the
2 9 reasons why and the efforts being made to facilitate such
2 10 placement, or why making efforts for such placement is not
2 11 appropriate. Unless visitation or ongoing interaction with
2 12 siblings is suspended or terminated by the court, the
2 13 department or agency shall make reasonable effort to provide

2 14 for frequent visitation or other ongoing interaction between
2 15 the child and the child's siblings from the time of the
2 16 child's out-of-home placement until the child returns home or
2 17 is in a permanent placement.

2 18 3. A person who wishes to assert a sibling relationship
2 19 with a child who is subject to an order under this chapter for
2 20 an out-of-home placement and to request frequent visitation or
2 21 other ongoing interaction with the child may file a petition
2 22 with the court with jurisdiction over the child. Unless the
2 23 court determines it would not be in the child's best interest,
2 24 upon finding that the person is a sibling of the child, the
2 25 provisions of this section providing for frequent visitation
2 26 or other ongoing interaction between the siblings shall apply.
2 27 Nothing in this section is intended to provide or expand a
2 28 right to counsel under this chapter beyond the right provided
2 29 and persons specified in sections 232.89 and 232.113.

2 30 4. If the court determines by clear and convincing
2 31 evidence that visitation or other ongoing interaction between
2 32 a child and the child's siblings would be detrimental to the
2 33 well-being of the child or a sibling, the court shall order
2 34 the visitation or interaction to be suspended or terminated.
2 35 The reasons for the determination shall be noted in the court
3 1 order suspending or terminating the visitation or interaction
3 2 and shall be explained to the child and the child's siblings,
3 3 and to the parent, guardian, or custodian of the child.

3 4 5. The case permanency plan of a child who is subject to
3 5 this section shall comply with all of the following, as
3 6 applicable:

3 7 a. The plan shall document the efforts being made to
3 8 provide for the child's frequent visitation or other ongoing
3 9 interaction with the child's siblings from the time of the
3 10 child's out-of-home placement until the child returns home or
3 11 is in a permanent placement. The child's parent, guardian, or
3 12 custodian may comment on the efforts as documented in the case
3 13 permanency plan.

3 14 b. If at any point the court determines that the child's
3 15 visitation or interaction with siblings would be detrimental
3 16 to the child's well-being and visitation or interaction with
3 17 siblings is suspended or terminated by the court, the
3 18 determination shall be noted in the case permanency plan. If
3 19 the court lifts the suspension or termination, the case
3 20 permanency plan shall be revised to document the efforts to
3 21 provide for visitation or interaction as required under
3 22 paragraph "a".

3 23 c. If one or more of the child's siblings are also subject
3 24 to an order under this chapter for an out-of-home placement
3 25 and the siblings are not placed in the same placement
3 26 together, the plan shall document the reasons why and the
3 27 efforts being made to facilitate such placement, or why making
3 28 efforts for such placement is not appropriate.

3 29 6. If an order is entered for termination of parental
3 30 rights of a child who is subject to this section, unless the
3 31 court has suspended or terminated sibling visitation or
3 32 interaction in accordance with this section, the department or
3 33 child-placing agency shall do all of the following to
3 34 facilitate frequent visitation or ongoing interaction between
3 35 the child and siblings when the child is adopted or enters a
4 1 permanent placement:

4 2 a. Include in the training provided to prospective
4 3 adoptive parents information regarding the importance of
4 4 sibling relationships to an adopted child and counseling
4 5 methods for maintaining sibling relationships.

4 6 b. Provide prospective adoptive parents with information
4 7 regarding the child's siblings. The address of a sibling's
4 8 residence shall not be disclosed in the information unless
4 9 authorized by court order for good cause shown.

4 10 c. Encourage prospective adoptive parents to plan for
4 11 facilitating postadoption contact between the child and the
4 12 child's siblings.

4 13 7. Any information regarding court-ordered or authorized
4 14 sibling visitation, interaction, or contact shall be provided
4 15 to the foster parent, relative caretaker, guardian,
4 16 prospective adoptive parent, and child as soon as reasonably
4 17 possible following the entry of the court order or
4 18 authorization as necessary to facilitate the visitation or
4 19 interaction.

4 20 Sec. 6. Section 238.18, Code 2007, is amended to read as
4 21 follows:

4 22 238.18 DUTY OF LICENSEE.

4 23 ~~The licensee~~ A child-placing agency licensed under this
4 24 chapter shall keep a record and make reports in the form to be

4 25 prescribed by ~~said~~ the administrator. For a child being
4 26 placed by the agency, the agency's duties shall include
4 27 compliance with the requirements of section 232.108 relating
4 28 to visitation or ongoing interaction between the child and the
4 29 child's siblings.

4 30 EXPLANATION

4 31 This bill relates to children who are subject to a court
4 32 order under Code chapter 232 for a temporary or permanent
4 33 out-of-home placement by providing for visitation or ongoing
4 34 interaction between the children and siblings.

4 35 The term "sibling" is defined by the bill in Code section
5 1 232.2 to mean an individual who is related to another
5 2 individual by blood, adoption, or affinity through a common
5 3 legal or biological parent.

5 4 New Code section 232.108 outlines requirements for sibling
5 5 visitation or other ongoing involvement for any child subject
5 6 to an order under Code chapter 232 for an out-of-home
5 7 placement. The requirements apply to the department of human
5 8 services and other agencies to which custody is transferred
5 9 for placement of a child, to the court, and to child-placing
5 10 agencies when parental rights over a child are terminated.
5 11 When siblings are subject to out-of-home placement orders,
5 12 regardless of when the orders are made, the department or
5 13 other agency must make a reasonable effort to place the
5 14 siblings in the same placement together. If such placement is
5 15 not possible, the reasons why must be provided to the child
5 16 and siblings and effort made to facilitate frequent visitation
5 17 or other ongoing interaction. However, if the court
5 18 determines that the visitation or contact would be detrimental
5 19 to the child's well-being, the court may suspend or terminate
5 20 the visitation or contact.

5 21 New Code section 232.108 also authorizes an individual who
5 22 wishes to assert a sibling relationship with a child to
5 23 petition the court with jurisdiction over the child for a
5 24 hearing and to request frequent visitation or other ongoing
5 25 interaction with the child. Upon finding the individual to be
5 26 a sibling of the child, unless the court determines that the
5 27 visitation or contact would be detrimental to the child, the
5 28 individual is required to be included in the visitation or
5 29 interaction effort.

5 30 New Code section 232.108 also requires sibling placement,
5 31 visitation, and contact efforts and orders to be reflected in
5 32 the case permanency plan, and the Code section 232.2
5 33 provisions for such plans are amended to reference these
5 34 requirements.

5 35 New Code section 232.108 clarifies that the section does
6 1 not provide or expand the right to counsel for anyone who does
6 2 not have the right under the juvenile justice code.

6 3 Under new Code section 232.108, if the parental rights over
6 4 a child are terminated, the department or a child-placing
6 5 agency working on the child's adoption or other permanent
6 6 placement are required to take steps to help preserve the
6 7 child's sibling relationships. The steps include providing
6 8 training and information to prospective adoptive parents and
6 9 encouraging planning. The duties of a licensed child-placing
6 10 agency under Code section 238.18 are amended to include the
6 11 bill's requirements involving siblings.

6 12 Code sections 232.58 and 232.104, relating to permanency
6 13 hearings held for children found to be delinquent or to be a
6 14 child in need of assistance, are amended to provide that when
6 15 the court has suspended or terminated sibling visitation or
6 16 interaction, the court is required to review its determination
6 17 when permanency hearings are held and may modify the
6 18 suspension or revocation, as appropriate.

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